

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:17-cv-00179-KDB
CRIMINAL CASE NO. 5:13-cr-00053-KDB-DCK-1**

STONEY SHEW,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on the Petitioner’s letter [CV¹ Doc. 11], which the Court construes as a motion for an extension of time to file a reply, and the Petitioner’s motion [CV Doc. 22], which the Court construes as a motion to withdraw his motion to vacate filed under 28 U.S.C. § 2255.

The Petitioner moves to withdraw his motion to vacate on the grounds that he now recognizes that the motion is frivolous. [CV Doc. 22 at 1]. For the reasons stated in the Petitioner’s motion, and for cause shown, the Court will grant the motion. The Petitioner’s previously filed motion for an extension of time to file a reply will be denied as moot.

IT IS, THEREFORE, ORDERED that:

- (1) The Petitioner’s motion [CV Doc. 22], which the Court construes as a motion to withdraw, is **GRANTED**;

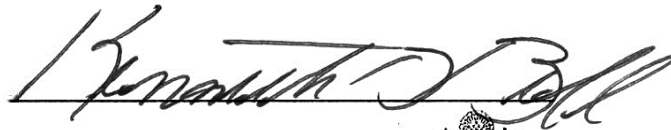
¹ Citations to the record herein contain the relevant document number referenced preceded by either the letters “CV,” indicating that the document is docketed in Civil Case No. 5:17-cv-00179-KDB, or the letters “CR,” indicating that the document is docketed in Criminal Case No. 5:13-cr-00053-KDB-DCK-1.

- (2) The Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [CV Doc. 1, as amended CV Doc. 7] is **DEEMED WITHDRAWN**; and
- (3) The Petitioner's letter [CV Doc. 11], which the Court construes as a motion for an extension of time, is **DENIED AS MOOT**.

The Clerk of Court is respectfully directed to terminate this civil action.

IT IS SO ORDERED.

Signed: August 4, 2020

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

